

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

WELLS FARGO BANK, N.A., as Securities  
Intermediary,

Plaintiff,

v.

AMERITAS LIFE INSURANCE CORP.,

Defendant.

No. 4:21-cv-03118-JMG-CRZ

**DEFENDANT AMERITAS LIFE INSURANCE CORPORATION'S  
MOTION TO DISMISS PLAINTIFF'S PROMISSORY ESTOPPEL CLAIM**

Defendant Ameritas Life Insurance Corp. ("Ameritas") respectfully moves this Court for an Order dismissing the Promissory Estoppel Claim (Count III) asserted in the Complaint filed by Plaintiff Wells Fargo Bank, N.A., as Securities Intermediary, with prejudice, pursuant to FED. R. CIV. P. 12(b)(6). In support of this Motion, Ameritas contemporaneously submits an accompanying Brief, which is incorporated herein by reference.

WHEREFORE, Defendant Ameritas respectfully requests this Court enter an Order granting its Motion to Dismiss Plaintiff Wells Fargo's Promissory Estoppel Claim, with prejudice, along with any other or further relief this Court deems just and proper.

Respectfully submitted,

/s/ Christopher M. Schmidt

Christopher M. Schmidt, # 26096

Randall L. Goyette, # 16251

BAYLOR EVNEN, LLP

1248 O Street, Suite 600

Lincoln, NE 68508

(402) 475-1075

cshmidt@baylorevn.com

rgoyette@baylorevn.com

Joseph M. Kelleher (*pro hac vice forthcoming*)

Nicolas A. Novy (*admitted pro hac vice*) (PA  
Bar # 319499)

Chase A. Howard (*pro hac vice forthcoming*)

COZEN O'CONNOR

One Liberty Plaza, Suite 2800

Philadelphia, PA 19103

(215) 665-2000

jkelleher@cozen.com

nnovy@cozen.com

chasehoward@cozen.com

*Attorneys for Defendant, Ameritas Life  
Insurance Corp.*